

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANN DARLENE WELLS, as Representative of the))	
Estate of Donald L. Wells, Deceased,)	
)	
Plaintiff,)	
v.)	Case No. 09 C 1198
)	
CITY OF CHICAGO, <i>et al.</i> ,)	Honorable Matthew F. Kennelly
)	
Defendants.)	

**PLAINTIFF'S MOTION FOR ADDITIONAL TIME TO FILE PLAINTIFF'S MOTION
FOR ATTORNEY'S FEES AND RELATED NON-TAXABLE EXPENSES**

Plaintiff Ann Darlene Wells, as Representative of the Estate of Donald L. Wells, by and through her attorneys, Howard and Howard Attorneys, PLLC, moves this Court for Additional Time to File Plaintiff's Motion for Attorney's Fees and Related Non-Taxable Expenses:

1. On April 10, 2012, the Court entered judgment [Doc. No. 351] in this matter following a jury trial.¹

2. Federal Rule of Civil Procedure 54(d)(2)(B) provides that a claim for attorney's fees and related nontaxable expenses must be made by motion no later than 14 days after the entry of judgment unless a statute or court order provides otherwise.

3. Local Rule 54.3 of the Local Rules for the Northern District of Illinois-Eastern Division conflicts with FRCP 54(d)(2)(B).

¹ Plaintiff notes that the April 10, 2012 judgment [Doc. No. 352] refers to the Second Amended Complaint [Doc. No.102] and Counts 8-10 of the Second Amended Complaint, however, on August 31, 2010, Plaintiff filed a Third Amended Complaint [Doc. No. 150], which became the operative complaint in this matter. Counts 10-12 of the Third Amended Complaint are comparable to 8-10 of the Second Amended Complaint.

4. Pursuant to LR 54.3(b), a motion seeking an award of attorney's fees and related nontaxable expenses must be filed no later than 90 days after the entry of the judgment unless the Court order includes a different schedule for such filing.

5. LR 54.3(d) requires the parties to confer and attempt in good faith to agree on the amount of fees or related nontaxable expenses that should be awarded prior to filing a fee motion.

6. Pursuant to the Court's April 10, 2012 minute order [Doc. No. 353], the parties' post-trial motions are due on or before May 8, 2012.

7. Once these post-trial motions are filed, the parties will need to respond to each other's post-trial motions.

8. Consistent with LR 54.3(b), Plaintiff seeks an extension of time to file its Motion for Attorney's Fees and Related Nontaxable Expenses on or before July 9, 2012, 90 days from the date of judgment, to allow the parties' to brief their post-trial papers before the Motion for Attorney's Fees and Related Nontaxable Expenses is due.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant the Plaintiff's Motion for Additional Time to File Plaintiff's Motion for Attorney's Fees and Related Non-Taxable Expenses.

Respectfully submitted,

/s/ Tiffany L. Carpenter

Ann Darlene Wells, as Representative of the Estate
of Donald L. Wells, Deceased, By One of Her
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